

State of California  
AIR RESOURCES BOARD

Executive Order R-11-005

WHEREAS, Attachment A sets forth the Portable Outboard Marine Tank and Components Regulation (Title 13, California Code of Regulations, Division 3, Chapter 9, Article 6.5) as adopted by the California Air Resources Board (ARB or Board) on September 25, 2008;

WHEREAS, Attachment B, Board Resolution 08-33, documents the Board's adoption of the Portable Outboard Marine Tank and Components Regulation and includes the following: the Board's authority to adopt the Portable Outboard Marine Tank and Components Regulation, the need for the regulation, the regulatory process, evidence of Board adherence to the California Administrative Procedures Act, changes to be considered pursuant to Board direction, direction to the Executive Officer to finalize the adoption of the regulation following the publication of proposed changes and the consideration of public comments covering the proposed revision, and the authority of the Executive Officer to submit the revised regulation as a revision to the California State Implementation Plan (SIP);

WHEREAS, Attachment C, Executive Order R-09-002, hereto identifies the public notice and public comment process used to carry out the Board's directive in Resolution 08-33;

WHEREAS, the ARB is authorized to adopt, amend, and enforce the referenced regulations by California Health and Safety Code sections 39600, 39601, 39607, 41544, and 41712;

WHEREAS, the referenced regulation has been duly adopted by the ARB through regulatory actions taken in accordance with the California Administrative Procedure Act as set forth in Chapter 3.5 (commencing with section 11340), Part 1, Division 3, Title 2 of the Government Code, and in accordance with other applicable laws as documented in Attachment B, Board Resolution 08-33, and Attachment C, Executive Order R-09-002;

WHEREAS, the regulatory actions incorporated in and reflected by the referenced regulations have been approved by the California Office of Administrative Law on September 15, 2009, and thereafter became effective under state law;

WHEREAS, the ARB is authorized by the California Health and Safety Code sections 39601 and 39602 to adopt and amend its regulations as revisions to the State of California Implementation Plan for Achieving and Maintaining the National Ambient Air Quality Standards(SIP);


WHEREAS, the adoption of the regulation set forth in Attachments A, B, and C as a revision to the SIP are necessary to meet the requirements of the federal Clean Air Act;

WHEREAS, by Resolution 08-33 and Executive Order R-09-002, the ARB adopted the regulatory actions identified in Attachments A, B, and C, and directed the Executive Officer to submit this material to the U.S. EPA for inclusion in the SIP, and to include in the SIP revisions any additional documentation identified as necessary for approvability under the federal Clean Air Act and U.S. EPA regulations;

THEREFORE, IT IS ORDERED, pursuant to sections 39515 and 39516 of the California Health and Safety Code, that the regulation set forth in Attachments A, B, and C hereto are hereby adopted as a revision to the SIP and forwarded to the U.S. EPA for approval.

I Certify, pursuant to 40 C.F.R. 51.102, that the regulation set forth in Attachments A, B, and C were adopted or amended after notice and public hearing as required by 40 C.F.R. 51.102.

Executed this 2<sup>nd</sup> day of May 2011, at Sacramento, California.

  
James N. Goldstone  
Executive Officer